

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>USAA CASUALTY INSURANCE CO.,</b>	:	<b>CIVIL ACTION NO. 1:12-CV-1178</b>
<b>Plaintiff</b>	:	
	:	<b>(Judge Conner)</b>
<b>v.</b>	:	
	:	
<b>METROPOLITAN EDISON CO.,</b>	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 10th day of January, 2013, upon consideration of the Report and Recommendation of Magistrate Judge Mildred E. Methvin (Doc. 23) recommending that defendant's motion to dismiss (Doc. 14) be denied, and, following an independent review of the record, noting that defendant filed objections<sup>1</sup> to the report on December 19, 2012 (Doc. 24), and the court finding Judge Methvin's analysis to be thorough and well-reasoned, and the court finding defendant's objections to be without merit and squarely addressed by Judge Methvin's report (Doc. 23), it is hereby ORDERED that:

1. The Report and Recommendation (Doc. 23) of Magistrate Judge Methvin are ADOPTED.
2. Defendant's motion to dismiss (Doc. 14) is DENIED.

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<sup>1</sup> Where objections to a magistrate judge's report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at \*3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). "In this regard, Local Rule of Court 72.3 requires 'written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.'" Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at \*6 (M.D. Pa. Sept. 8, 2008)).

3. A pretrial/trial schedule shall issue by separate order.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge